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10/566,451	02/14/2007	Olivier Condemine	11345/099001	5473

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OSHA LIANG L.L.P.
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

EXAMINER
HO, CHUONG T

ART UNIT	PAPER NUMBER
2419	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com
buta@oshaliang.com

Office Action Summary	Application No.	Applicant(s)	
	10/566,451	CONDEMINE, OLIVIER	
	Examiner	Art Unit	
	CHUONG T. HO	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7-10,13 and 14* is/are rejected.

7)☒ Claim(s) *5,6,11 and 12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 February 2007* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to the Application SN 10/406,143 filed on 09/16/08. Claim 1-15 are presented for examination.

Specification

2. The abstract of the disclosure is objected to because this application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required. Correction is required. See MPEP § 608.01(b).

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 07/09/07 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

4. The drawings are objected to because the figure 1 labeled PCT/EP2004/051621. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an

amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claim 14 is objected to because of the following informalities:

" A computer program stored on an information support, said program comprising instructions allowing the implementation of a processing method, comprising: " should be replaced by – A computer support readable memory storing a computer program instructions which are executed by a computer system, comprising: -- ;

Appropriate correction is required.

Further with regards to claim 14, Examiner has reviewed and interpreted the computer support readable memory to be strictly one of the forms especially ROM, Flash or EEPROM as disclosed by the specification in page 10, lines 29-32.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-4, 7, 8-10, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hays et al. (Patent No.: US 6,678,751 B1) in view of Gemplus Card int (WO-9949415)

Regarding to claim 1, Hays '751 disclose a processing method for data exchanged between a portable object (figure 1, host device 102) and an interface device (figure 1, remote device 103), a protocol detection mode implemented within and by the portable object (col. 3, lines 35-40, the first device), comprising:

a) receiving an initial signal (col. 3, lines 35-50, samples) from the interface device, wherein the initial signal is received after transmission of a response upon turning on (col. 1, lines 25-35, the second device which turn opens) the portable object (col. 3, lines 35-47, the remote device receives samples from remote device) ;

b) sampling said initial signal according to at least one of a first speed and a second speed associated with a first protocol and a second protocol in the portable object

(figure 3, col. 3, lines 35-47, col. 4, lines 15-20, determines from the samples a protocol being used by the host device to communicate);

c) comparing, in the portable object, at least one sample of a resulting sampling signal to at least one key protocol condition proper corresponding to one of the first protocol and the second protocol (figure 3, col. 3, lines 35-47, col. 4, lines 15-20, col. 5, lines 35-47, comparing the samples and templates to determine the signals are being transmitted in a protocol of the one of said plurality of protocol templates) ; and

d) processing data exchanged according to one of the first protocol and the second protocol in the portable object (figure 3, step 305, set communication at detected baud rate and determined protocol).

However, Hays '751 are silent to disclosing the portable object being of a chip card or chip key type.

Gemplus '415 from the same or similar fields of endeavor disclose the portable object being of a chip card or chip key type (Abstract, smart cards).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the portable object being of a chip card or chip key type taught by Gemplus '415 into the system of Hays '751; since Gemplus '415 recited the motivation in the page 3, lines 10-15 which is desirable to provide such a system which remains compatible with currently existing smart card systems that comply with established standards.

Regarding to claim 2, Hays '751 wherein step b) consists of sampling said initial signal according to the first speed or the second speed, wherein the first speed corresponds to the first protocol and the second speed corresponds to the second protocol (figure 3, col. 3, lines 35-47, col. 4, lines 15-20, col. 5, lines 35-47, comparing the samples and templates to determine the signals are being transmitted in a protocol of the one of said plurality of protocol templates), and wherein step c) consists of comparing the at least one sample of the resulting sampling signal to the key protocol condition according to the first protocol, second protocol respectively, if the comparison is a positive comparison, and according to the second protocol, first protocol respectively, if the comparison is a negative comparison (figure 3, col. 3, lines 35-47, col. 4, lines 15-20, col. 5, lines 35-47, comparing the samples and templates to determine the signals are being transmitted in a protocol of the one of said plurality of protocol templates).

Regarding to claim 3, Hays '751 disclose wherein the key protocol condition corresponding to the first protocol relates to the parity of a first bit of a first character of the first protocol (col. 3, lines 10-20, detect the baud rate of the bits in the received signal, and determined protocol parameter to communicate).

Regarding to claim 4, Hays '751 disclose wherein the key protocol condition corresponding to the second protocol relates to l[thell a value of a most significant bit of a first character of the second protocol (col. 3, lines 10-20, detect the baud rate of the bits in the received signal, and determined protocol parameter to communicate).

Regarding to claim 7, Hays '751 disclose the limitations of claim 1 above.

However, Hays '751 are silent to disclosing wherein the portable object is the chip card implementing both a protocol in conformance with ISO standard 7816-3 and a digital television protocol.

Gemplus '415 from the same or similar fields of endeavor disclose wherein the portable object is the chip card implementing both a protocol in conformance with ISO standard 7816-3 (page 2, lines 5-10, ISO 7816) and a digital television protocol (page 3, lines 20-30, non-ISO)

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the portable object being of a chip card or chip key type taught by Gemplus '415 into the system of Hays '751; since Gemplus '415 recited the motivation in the page 3, lines 10-15 which is desirable to provide such a system which remains compatible with currently existing smart card systems that comply with established standards.

Regarding to claim 8, Hays '751 disclose a portable object (col. 3, lines 10-50, the first device) able to exchange data with an interface device (col. 3, lines 10-50, the second device) , and the portable object comprises means for processing configured to: receiving an initial signal (col. 3, lines 35-50, samples) from the interface device (col. 3, lines 10-50, the second device), wherein the initial signal is received after transmission of a response upon turning on (col. 1, lines 25-35, the second device which turn opens)

the portable object (col. 3, lines 35-47, the remote device receives samples from remote device) ;

b) sampling said initial signal according to at least one of a first speed and a second speed associated with a first protocol and a second protocol in the portable object (figure 3, col. 3, lines 35-47, col. 4, lines 15-20, determines from the samples a protocol being used by the host device to communicate);

c) comparing, in the portable object, at least one sample of a resulting sampling signal to at least one key protocol condition proper corresponding to one of the first protocol and the second protocol (figure 3, col. 3, lines 35-47, col. 4, lines 15-20, col. 5, lines 35-47, comparing the samples and templates to determine the signals are being transmitted in a protocol of the one of said plurality of protocol templates) ; and

d) processing data exchanged according to one of the first protocol and the second protocol in the portable object (figure 3, step 305, set communication at detected baud rate and determined protocol).

However, Hays '751 are silent to disclosing wherein the portable object is a chip card or a chip key type.

Gemplus '415 from the same or similar fields of endeavor disclose the portable object being of a chip card or chip key type (Abstract, smart cards).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the portable object being of a chip card or chip key type taught by Gemplus '415 into the system of Hays '751; since Gemplus '415 recited the motivation in the page 3, lines 10-15 which is desirable to provide such a system which remains

compatible with currently existing smart card systems that comply with established standards.

Regarding to claim 9, Hays '751 disclose wherein the key protocol condition proper corresponding to the first protocol relates to the parity of a first bit of a first character of the first protocol (col. 3, lines 35-40, template).

Regarding to claim 10, Hays '751 disclose wherein the key protocol condition corresponding to the second protocol relates to a value of a most significant bit of a first character of the second protocol (col. 3, lines 10-17, baud rate of the bits).

Regarding to claim 13, Hays '751 disclose the limitations of claim 8 above.
However, Hays '751 are silent to disclose wherein the portable object is the chip card implementing both a protocol in conformance with ISO standard 7816-3 and a digital television protocol
Gemplus '415 from the same or similar fields of endeavor disclose wherein the portable object is the chip card implementing both a protocol in conformance with ISO standard 7816-3 (page 2, lines 5-10, ISO 7816) and a digital television protocol (page 3, lines 20-30, non-ISO)

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the portable object being of a chip card or chip key type taught by Gemplus '415 into the system of Hays '751; since Gemplus '415 recited the motivation

in the page 3, lines 10-15 which is desirable to provide such a system which remains compatible with currently existing smart card systems that comply with established standards.

Regarding to claim 14, Hays '751 disclose A computer program stored on an information support, said program comprising instructions allowing the implementation of a processing method, comprising:

a) receiving an initial signal (col. 3, lines 35-50, samples) from the interface device, wherein the initial signal is received after transmission of a response upon turning on (col. 1, lines 25-35, the second device which turn opens) the portable object (col. 3, lines 35-47, the remote device receives samples from remote device) ;

b) sampling said initial signal according to at least one of a first speed and a second speed associated with a first protocol and a second protocol in the portable object (figure 3, col. 3, lines 35-47, col. 4, lines 15-20, determines from the samples a protocol being used by the host device to communicate);

c) comparing, in the portable object, at least one sample of a resulting sampling signal to at least one key protocol condition proper corresponding to one of the first protocol and the second protocol (figure 3, col. 3, lines 35-47, col. 4, lines 15-20, col. 5, lines 35-47, comparing the samples and templates to determine the signals are being transmitted in a protocol of the one of said plurality of protocol templates) ; and

d) processing data exchanged according to one of the first protocol and the second

protocol in the portable object (figure 3, step 305, set communication at detected baud rate and determined protocol).

However, Hays '751 are silent to disclosing the portable object being of a chip card or chip key type.

Gemplus '415 from the same or similar fields of endeavor disclose the portable object being of a chip card or chip key type (Abstract, smart cards).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the portable object being of a chip card or chip key type taught by Gemplus '415 into the system of Hays '751; since Gemplus '415 recited the motivation in the page 3, lines 10-15 which is desirable to provide such a system which remains compatible with currently existing smart card systems that comply with established standards.

Allowable Subject Matter

8. Claims 5-6, 11-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571)272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EDAN ORGAD can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chuong. T. Ho./
Examiner, Art Unit 2419

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2419